

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MAHDI YAQUB,
Plaintiff,

vs.

TEXAS A&M UNIVERSITY-
COMMERCE,

Defendant.

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CASE NO. 3:22-cv-1561

DEFENDANT’S NOTICE OF REMOVAL

NOW COMES Defendant, Texas A&M University - Commerce, a Division of Texas A&M University System, and respectfully shows that:

1. **Removal Provision:** This removal is based on claims arising under federal law, pursuant to 28 U.S.C. § 1441(a). Plaintiff, Mahdi Yaqub, asserts federal claims under the Americans with Disabilities Act (“ADA”) and the Age Discrimination in Employment Act (“ADEA”). *See* 29 U.S.C. Ch. 28.

2. **State Action:** This action was initially filed in the 298th Judicial District Court of Dallas County, Texas, on May 23, 2022, in Cause No. DC-22-05483. Plaintiff is Mahdi Yaqub. Defendant is Texas A&M Commerce, a Division of Texas A&M University (“TAMU Commerce”). Defendant TAMU Commerce has been served with this lawsuit. Defendant TAMU Commerce filed its Notice of Removal in state court on July 18, 2022. Venue is proper in the United States District Court for the Northern District of Texas, Dallas Division.

3. **Nature of the Lawsuit:** Plaintiff alleges various discrimination and retaliation claims stemming from alleged discrimination based on his age, disability, and national origin, in

violation of the ADEA, ADA, Title VII, the Texas Labor Code, and Texas Commission on Human Rights Act. Plaintiff alleges TAMU Commerce discriminated against him by failing to provide him various opportunities given to younger, white, and Asian employees based on his age and national origin; removing him from tenure track and terminating him based on his age, and national origin; and failing to accommodate his disability. *See* Plaintiff's Original Petition.

4. **Jury Demand:** Plaintiff requested a trial by jury in his Original Petition.

5. **Removal Requirements of 28 U.S.C. § 1441:** This action is a civil action raising a federal question of which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by Defendant TAMU Commerce, pursuant to the provisions of 28 U.S.C. § 1441(a).

6. **Compliance with Deadline:** Defendant TAMU Commerce was served with the Original Petition on June 23, 2022. Defendant files this notice of removal within the 30-day time required by 28 U.S.C. § 1446(b). *See Bd. of Regents of Univ. of Tex. Sys. v. Nippon Tel. & Tel. Corp.*, 478 F.3d 274, 278 (5th Cir. 2007). Therefore, this removal is timely.

8. **State Court Pleadings:** Defendant is filing concurrently with this notice, as required by Local Rules and 28 U.S.C. § 1446(a), a true and correct copy of all process and pleadings served upon Defendant TAMU Commerce in this state court action.

ACCORDINGLY, Defendant TAMU Commerce prays that this cause be removed to the United States District Court Northern District of Texas, Dallas Division, pursuant to 28 U.S.C. § 1441(a).

Respectfully submitted,

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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was served upon the following counsel of record *via* the Court's ECF system on the 19th day of July, 2022:

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